

APPEAL NO. 022675
FILED DECEMBER 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 24, 2002. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) injury sustained on _____, does not extend to or include mild degenerative changes at L4-5, L5-S1 without significant canal or abnormal or focal disc pathology and an injury to the thoracic spine; that the employer did not tender a bona fide job offer of employment to the claimant; and that the claimant did not have disability resulting from the injury sustained on _____, from July 11, 2002, and continuing through the date of the CCH. The claimant appeals the extent-of-injury and disability findings arguing that the findings are against the great weight and preponderance of the evidence. The appeal file does not contain a response from the respondent (carrier). The finding regarding the bona fide offer of employment has become final pursuant to Section 410.169.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations regarding extent of injury and disability involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer reviewed the evidence and found that the compensable injury did not include the claimed conditions listed above and determined that the claimant did not sustain disability resulting from the injury sustained on _____, from July 11, 2002 and continuing through the date of the CCH. The hearing officer apparently found that the claimant did not have any restrictions related to the compensable injury, and that any conditional work release was not related to the compensable injury. We cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE, SUITE 1600
DALLAS, TEXAS 75231-4813.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge